

## STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 10, 2012

AgReserves Inc/AgriNW c/o Tom Mackay PO Box 2308 TriCities WA 99302-2308

## RE: Water Right Change Application No. CS4-13134C@3(A) (BENT-11-03)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Benton County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has <u>modified</u> the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM C	CFS MAXIMUM GPM		MAXIMUM AC-FT/YR	TYPE OF USE, PERIOD OF USE			
4.5			1050	Year-round c	ommercial a	nercial and industrial use.	
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
Columb	ia River (c	one well and one	surface water divers	ion)			
1/4	1/4	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
	<u> </u>	A COLOR STREET, LANS CO.	<ul> <li>Also but the dark doctors</li> </ul>		WRIA 31	COUNTY. Benton	

AT A POINT LOCATED (PARCEL NO.)

SW diversion: 500 feet south and 100 feet east of the NW corner of Section 15, T. 5 N., R. 27 EWM. Well: 220 feet south and 1400 feet east of the NW corner of Section 12, T. 5 N., R. 27 EWM.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

In T. 5 N., R. 27 E.W.M:

All of Section 1. (Parcel Nos. 101571000001000 and 101571000002000)

AND

N½N½, SW¼NW¼, S½SE¼NW¼, NW¼NW¼SW¼ and NW¼NE¾SW¼ with all these portions lying north of the County Road all being within Section 12.

AND

E½SW¼NE¼ and SE¼NE¼ all being within Section 12. (Parcel Nos. 112571000001001 (recent county parcel segregation to 112572012982001 and 112572012982002) and 112571000001002)

In T. 5 N., R. 28 E.W.M:

 $N\frac{1}{2}$  and  $N\frac{1}{2}$  S½ all being within Section 5. (Parcel No. 105581000001001)

That portion of Section 6 lying north of the relocated S.P. and S. (Parcel No. 106582000001002)

In T. 6 N., R. 28 E.W.M:
All of Section 31, except the NE1/4. (Parcel No. 131680000000000)

In T. 6 N., R. 27 E.W.M:

All of Section 36. (Parcel No. 836670000000000)

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PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,	
		at he	DEVELO	PMENT SCHEDU	LE	
BEGIN PROJECT BY THIS DATE:			COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:	
Immediately		Ja	anuary 1, 20	13	January 1, 2016	

Ecology has MODIFIED the decision of the Board as follows:

- 1) The Board's decision has been MODIFIED as noted in the table above.
- 2) Provision number two (2) in the Provisions section of the Board's ROE is STRICKEN.
- 3) Provision number four (4) in the Provisions section of the Board's ROE is MODIFIED to read as follows:

The combined use of the two authorized sources shall not exceed 4.5 cfs and 1,050 ac-ft annually, for year-round commercial and industrial use.

## YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses		
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608		
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903		

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov To find laws and agency rules visit the Washington State Legislature Website: http://www.leg.wa.gov/CodeReviser

Mark Kemner, Section Manager Water Resources Program/CRO

MK:JK:gg/120110

Enclosures: Your Right to Be Heard

Water Measuring Requirements and Form 1

Construction Notice

Certified Mail: 7007 2560 0001 9535 6091

cc: Janet Rajala, Department of Ecology, ERO

Dr. Darryll Olsen, Benton County Water Conservancy Board

Philip Rigdon, Director, Natural Resources Division, Yakama Nation